

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Crl.MC.No. 2834 of 2007()

CRIME NO.461/2007 OF THE KASARAGOD POLICE STATION

PETITIONER: ACCUSED

ABDUL JALEEL, S/O.MOHAMMED,
AZADNADAR, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION, REP. BY THE PUBLIC
PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2834 of 2007

Dated this the 11th day of September 2007

O R D E R

The petitioner faces allegations under Section 377 I.P.C. His application for anticipatory bail was dismissed by this court as per order in B.A.No.4446/07 on 23/07/2007. The petitioner has come to this court with the prayer that direction may be issued to the learned Chief Judicial Magistrate, Kasargod to consider his application for bail on the date of surrender itself.

2. It is for the petitioner to appear before the learned Magistrate and seek regular bail. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary.

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007